

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD ARRINGTON,

Plaintiff,

v.

BILL SHOUPPE, Warden and **ETHEL
WHITE** Deputy Warden,

Defendants.

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2:21cv1020

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MEMORANDUM ORDER

AND NOW, this 18th day of May, 2023, upon due consideration of defendants' motion to dismiss the Third Amended Complaint, [90] the Report and Recommendation of the Magistrate Judge addressing plaintiff's failure to respond to the same and/or failure to respond to a show cause order by January 5, 2023, and [92] plaintiff's objections of April 13, 2023, and after *de novo* review of the record, IT IS ORDERED that [86] defendants' motion be, and the same hereby is, granted; and

IT FURTHER IS ORDERED that after balancing the six Poulis factors, this action is dismissed for failure to prosecute. The Report and Recommendation of March 15, 2023, is adopted as the opinion of the court. The Clerk of Court is directed to mark the case closed.

Plaintiff's objections are unavailing. Plaintiff does not challenge the merits of defendants' motion or explain why it should not be granted. Nor does he seek to justify his failure to 1) respond to the court's previous orders or 2) otherwise prosecute this case in a timely manner. Instead, he raises a whole new series of events commencing on March 31, 2023, which of course does not address his dilatoriness from October 27, 2022, through April 13, 2023. And the new series of events is beyond the scope, substance and gravamen of the operative allegations

remaining in the Third Amended Complaint in any event. Consequently, the matters raised in the objections do not save this case from dismissal.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: The Honorable Cynthia Reed Eddy,
United States Magistrate Judge

Marie N. Pipak, Esquire
Marie Milie Jones, Esquire
Michael R. Lettrich, Esquire

(Via CM/ECF Electronic Mail)

Richard Arrington
300 Superior Avenue C
Apartment 118
Aliquippa, PA 15001

(Sent Via First Class Mail)

(Via CM/ECF Electronic Mail)